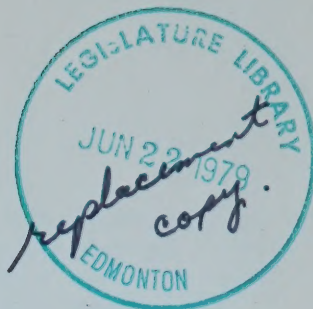


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THE HUMAN RIGHTS BRANCH
ANNUAL REPORT
FOR THE CALENDAR YEAR 1972

It is recognized in Alberta that a
fundamental principle that all persons
are equal in dignity and human rights
without regard to race, religious be-
liefs, colour, sex, age, ancestry or
place of origin...

...that the Human Rights
Act is not enforceable.

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I. INTRODUCTION

In the management by objectives scheme drawn up to govern the operation of the Human Rights Branch through the 1972 calendar year, the ultimate purpose of this agency is given as: the elimination of prejudice and discrimination in the Province of Alberta through the enforcement of the Provincial human rights code and the implementation of educational programs designed to achieve a positive state of intergroup relations throughout this Province and beyond.

Enforcement and education, then, provide the twin pillars on which this Province's human rights program is built. Until the end of 1972, the Human Rights Branch took its enforcement mandate from The Human Rights Act, (Chapter 178, R.S.A.) which, broadly speaking, prohibits discrimination in employment, accommodation and services on grounds of race, colour, religious beliefs, sex, age, ancestry or place of origin. In response to expressed community need, a variety of educational features were designed and conducted by Branch personnel with several segments of Alberta society.

* * *

STAFF

During 1972 the staff of the Human Rights Branch was:

Administrator	Keith Henders
Human Rights Officers	Elmer Harrison Peter Cresswell Reginald Newkirk (as of (September 15th)
Clerk Stenographer	Barbara Stanford

II. ENFORCEMENT

COMPLAINT HANDLING

The method employed by Branch staff in attempting to resolve complaints of discriminatory behaviour is, in the first instance, basically conciliatory - with the Branch representative directing his efforts to a restoration of the circumstances which would have prevailed had the discriminatory action never occurred. Should a respondent prove recalcitrant, the next step would normally be for a ministerially appointed board of inquiry to pronounce upon the matter, and, under The Human Rights Act, the possibility of court action loomed in the background as a possible final measure for dealing with extreme cases. This three tier approach to enforcement has been dubbed "the iron fist in the velvet glove approach". The power of sanction is implicit in the Branch's strategy - but where less abrasive techniques can achieve a desired end, experience has proven that, in the long run, more lasting gains can be won through the power of suasion. In handling more than 850 cases in just over five years, only two boards of inquiry have been conducted to date (a third is in the offing) and on no occasion has it been necessary to resort to court action to settle a concern brought before the Branch.

* * *

All cases outstanding at the end of 1971 were concluded during the course of the year just completed - except for two cases which are the subject of a forthcoming board of inquiry. Of the 311 concerns registered with the Branch 182 were defined as informal (see explanation, page 7) and 129 came under the formal heading (i.e., cases registered under the express provisions of the Act). Applying this system of categorization to the concerns recorded since the inception of the Branch, we can trace the rising awareness of and acceptance of the Branch as a helping agency on the part of those who feel themselves to be the victims of discriminatory treatment.

<u>Year</u>	<u>Formal</u>	<u>Informal</u>	<u>Total</u>
1966	2	1	3
1967	13	17	30
1968	17	25	42
1969	32	47	79
1970	52	49	101
1971	131	160	291
1972	129	182	311

Of the 129 formal complaints received during 1972, 101 were settled by the year's end. Twelve were found, after initial inquiry, to be beyond the Branch's jurisdiction. Three cases were terminated for lack of interest on the part of the complainants. Three were withdrawn; leaving ten that were still under active investigation.

Further breakdown of last year's complaints is as follows:

Complaints Related to Racial, Ethnic,
Religious, Sex or Age Group

	<u>Formal</u>	<u>Informal</u>	<u>Total</u>
Native	41	31	72
Negro	14	9	23
East Indian	19	9	28
West Indian	4	2	6
European	9	16	25
Anglo Saxon	5	1	6
Asiatic	2	2	4
Age	9	5	14
Sex	13	18	31
Religion	6	6	12
Unspecified	5	83	88
Marital Status	2	-	2
	<u> </u>	<u> </u>	<u> </u>
TOTAL	129	182	311
	<u> </u>	<u> </u>	<u> </u>

Complaints Received in Area of:

	<u>Formal</u>	<u>Informal</u>	<u>Total</u>
Employment	70	84	154
Public Services	34	53	87
Public Accommodation	3	-	3
Apartment Accommodation	16	10	26
Other Non-Public Accommodation	4	21	25
Miscellaneous	2	14	16
	<u> </u>	<u> </u>	<u> </u>
TOTAL	129	182	311
	<u> </u>	<u> </u>	<u> </u>

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The following cases are illustrative of the formal complaints the Branch handled:

Early in the calendar year immediately past, an investigation was launched into a complaint registered against a major retail store, alleging that the store's policy was to not use black models in any of its newspaper advertising. Armed with a folio of minority group photos culled from the pages of several daily newspapers, a Human Rights Officer entered into discussions with the persons responsible for this policy with the end result being the amendment of their previous practice. Although this complaint had been registered against one particular department store, it was decided that informal follow-up with other large retail outlets might also be useful. This follow-up is still in progress; but in the meantime at least two major stores have responded in a responsible manner to these overtures and shown themselves to be especially sensitive with respect to the use of black models. We commend them for the honest manner in which they accepted the obligation to strive to portray the totality of the Canadian populace in their newspaper advertising.

* * *

The Branch became involved when the attempts of a fifty-five year old man to respond to a newspaper ad for a "Young male between 22 to 25 years of age" were rebuffed by the credit and collection agency which had placed the ad. His experience and qualifications seemed to make him eminently suitable for the position in question - but this case proved to be a graphic illustration of how difficult it is to lay to rest some of the shibboleths concerning the older worker. After several efforts to conciliate the matter with the respondent firm, a position was finally offered the complainant - but at a salary so low that he would have ended up working below the minimum wage. When the Branch re-entered the case, it found that the previous manager of the collection agency had been replaced and the new manager was apparently more willing to offer this qualified fifty-five year old gentleman a position with what the complainant himself recognized as "a responsible offer of remuneration". However, his expressed mistrust of this firm combined with his satisfaction with his current place of employment led him to decline the offer.

* * *

When amendments to The Human Rights Act prohibited discriminatory treatment in employment conditions on grounds of sex, a number of women workers within the Province found they could elect to postpone retirement an additional 5 years beyond the age of 60 when 65 was the normal retirement age for their male counterparts. One woman thus

affected discovered, however, that as she reached her sixtieth birthday and indicated her inclination to continue to work she was hit with a drastic salary reduction which left her both emotionally and economically distressed. As a result of Branch intervention, however, the company brought her pay level into line with her actual duties, retroactive to the day the salary decrease had been implemented.

* * *

Arriving home from a meeting one evening, two Indian ladies decided to visit a downtown restaurant in a large Alberta city but first telephoned to determine whether it was still open. Advised that the restaurant was open until 1:30 A.M. they set out, arriving at their destination at approximately 10:45 P.M. After waiting for a short time they were approached by a waiter who stated "We're not serving any more; the kitchen is closing". When the Indian ladies protested that they had been told 1:30 was closing time, the waiter merely responded "No, we are not serving"; and walked away. Further attempts on the part of the two women to discuss the situation with management of the restaurant were ignored. The two ladies left and went to a restaurant several blocks away where they experienced no difficulty in being served. Discussions by Branch staff with the manager of the respondent cafe led him to realize how he could have been grossly prejudging the situation that evening. He agreed to write a letter of explanation and apology to the two Indian women and guarantee them equitable service in future. The Manager turned out to be a person of no mean linguistic skill, for a copy of his letter rests in our Branch files as a model of charm, cordiality and diplomacy. We feel confident that he will live up to his promise.

* * *

A registered nurse, who had exceeded the magic age of thirty by something more than a decade, was at first offered a position in a medical clinic but the offer was later withdrawn. Through the grapevine she heard that a director of the clinic had indicated to the personnel department that he hoped the new nurse would not be "old". Discussions between the clinic and the Branch ensued, and at last report several months ago the nurse was happily at work at the clinic.

* * *

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Lest it be claimed that an agency such as this is just one more instance of Government meddling or bullying - frightening people into providing for minority group persons unfair advantages which they would not otherwise do, it should be pointed out that there were occasions during the previous year when the investigating Officer was forced to agree with the landlord that the complainant had made a considerable mess of the apartment and that the eviction notice was entirely justified; or that the employee had been deficient or derelict in his duties and his dismissal was not a manifestation of deep-seated bigotry on the part of the employer. Our concern is to be objective in all matters that we handle; and if a respondent has not been at fault, he merits our support just as much as does the complainant in those cases in which it is readily evident that contravention of the Human Rights Code has taken place.

* * *

Even greater in number than the formal cases handled by the Branch this past year were the "informals". Many persons with problems turned to the Human Rights Branch for assistance despite the fact that their concerns did not reside strictly within the statutory boundaries outlined by The Human Rights Act's code of conduct. Sometimes just furnishing a sympathetic ear while the counsellee ventilated his problem went a long way towards solving it; very often such persons could be helped out through an appropriate referral. Four hundred such references were made to other helping agencies by Branch personnel in the past year. But sometimes the matter is such that the Officer is able to do more than simply refer. We feel it important in a world where non-involvement and "buck-passing" are becoming more and more the order of the day to show that, despite rumors to the contrary, even within a bureaucratic framework it is possible for someone to care and to try to help. These matters of a "human rights" nature that do not fall strictly within the code of conduct but nonetheless occupy a measurable portion of an Officer's time are classified under the heading "informal complaints".

Typical of this category are the following:

A letter bearing a Manitoba postmark and written entirely in Chinese characters was received in the Branch office. A translation supplied by a local Chinese pastor disclosed the case of an elderly gentleman, apparently in some economic difficulty after having been abandoned by his son, and entirely unable to communicate in English. We provided him with what limited information we could, but at the same time contacted the Manitoba Human Rights Commission in order to alert them to his situation. In following up this case our sister agency advised us that on top of all his other troubles it appeared as though this gentleman had a congenital limb deformity which caused him to walk and stand with difficulty. About seven months after receipt of the original letter, the final chapter to this story was added when the Manitoba Human Rights Commission informed us that the man had been fitted with a leg brace through the services of that province's Society for Crippled Children and Adults and had been placed in a training program in a garment industry, where he progressed so well that he had been offered a job even before the course was completed. He was now able to use the city transit system and was making friends in the community largely through the International Center where he was studying English.

* * *

Sometimes a complaint of racial discrimination will come to our attention, born of little more than misunderstanding. The Branch was contacted by a concerned Native person when his children were refused service one noon-hour at a

store in the town where they attended school. Investigation disclosed that the refusal was made by a temporary clerk who was under the impression that all school children coming into the store during the lunch hour were to be in possession of an excuse note from a school teacher or principal. It was found to be true that children were supposed to receive permission before leaving the school grounds; however, the practice of issuing written notes had long since fallen into disuse. Hopefully a tightening of procedures as a result of our inquiry will prevent this kind of misunderstanding from repeating itself. The concerned Native parent expressed his satisfaction over the outcome of the Branch's enquiry. Because of the manner in which the case was reported to the Branch, it was filed in the informal category.

* * *

By letter, an Alberta woman voiced her suspicion that the title of a certain firm in this Province might contain racist connotations. After follow-up contact with the parent firm in eastern Canada we were able to offer the writer authoritative assurance that the suspect name in the title was in reality that of the firm's founder.

* * *

Definitely a human rights situation - but not strictly covered by the Act's code of conduct - were the calls received from Edmonton citizens, perplexed and angry over the appearance in washrooms, apartment mail boxes and other locations of literature maliciously directed against the Jewish community. Callers were referred to the Attorney General's Department, but we are continuing to keep in close touch with the Jewish Community Council on this issue; and have checked out with the International Red Cross some of the exaggerations and gross misrepresentations contained in these "sick" documents, and made available the factual information gained from that source. Should anti-semitic literature continue to constitute a problem within this Province, the new Human Rights Commission might very well find itself challenged to become an effective educational instrument for combatting this scurrilous defamation of one ethnic group in our Alberta society.

BOARDS OF INQUIRY

When conciliatory efforts to remedy a complaint of unfair discrimination prove fruitless, the Human Rights Administrator can recommend to the Minister that a board of inquiry be appointed to pronounce upon the case.

Results of a board of inquiry can be appealed to the district court by the respondent within 30 days of receipt. As mentioned in another part of this report, few boards have been held to date in this Province.

The most recent board conducted related to the case registered by Mr. Beaty Hayes against Central Hydraulic Manufacturing Co. Ltd., Edmonton. Mr. Hayes alleged that he was refused employment on grounds of race and colour. Professor Fred Laux of the University of Alberta Faculty of Law heard the case on October 31st, 1972. The report of the inquiry chairman came down just after the end of the 1972 calendar year and recommended prosecution against the respondent firm, if feasible; and reimbursement of lost wages to the complainant.

Earlier in the year a board of inquiry chaired by Martin Hoyt in Magrath, Alberta involved the complaint of Frances Weaselfat who alleged that she as well as other Indian patrons were required to pay for goods and services in advance at Denny's Shell Service Station, while no similar demands were made of white patrons. Here also the complaint was found to be valid and the Board recommended widespread publication of the inquiry results and notification to the respondent that failure to amend his practice of discriminating against Indian customers would result in prosecution.

A third board of inquiry had been scheduled this past autumn and was to have been heard by Jerome Reyda, an Edmonton lawyer. Mrs. Geneva MacKay complained against Westfair Foods Limited who allegedly discriminated against her in the terms and conditions of her employment, inasmuch as she was required to retire at age 60 while male members of the firm remained on staff until age 65. This inquiry was postponed, however, pending appeal by counsel for the respondent for an order of prohibition.

III. E D U C A T I O N

ENGAGEMENTS

As in other years, the Human Rights Branch became involved - to the extent that time and staff resources permitted - in conferences, workshops, public speeches, panel discussions, radio and television interviews, and other kindred endeavors. During 1972, the Human Rights Branch participated in educational events with these organizations and agencies:

Voice of Alberta Native Women
 Blackfoot Radio Indian News Media
 West Indian Society
 Picture Butte High School
 Picture Butte Lions Club
 Lethbridge Community College
 University of Alberta Women
 Matthew Halton High School
 Napi Friendship Association
 Harry Ainley Composite High School
 Native Women's Conference
 Alexander Reserve Counsellors
 Strathcona Composite High School
 Administration and Management Society
 University of Lethbridge
 Canadian Food and Allied Workers
 Native Brotherhood Society
 Hobbema Adult Education Class
 Canadian Council of Christians and Jews
 Jasper Place Composite High School
 Calgary Urban Native Youth
 C.J.C.A. Radio
 C.B.X.T.
 United Church of Canada - Alberta Conference
 C.F.R.N. Radio
 C.F.R.N. - T.V.
 Hobbema Home Economics Group
 United Church Radio
 Alberta Association for the Advancement of Coloured People
 Can-Carib Club
 Trinity United Church
 C.J.O.C. Radio
 Coaldale Drop-In Center
 C.H.E.C. Radio
 Project India
 Canadian Restaurant Association
 University of Alberta - Extension Department
 Alberta Social Studies Council

United Nations Association
 Delburne High School
 Hi C's
 Public Administration Institute
 Baha'is

In addition to working with these organizations, Branch members continued to participate in consultations with individuals and groups, running the gamut from business persons, to Native peoples, to students, to Government officials, to visitors from other lands. Efforts were also made to make known our services to the international students attending Alberta's three universities.

A further breakdown of educational programming is as follows:

Radio and Television Participation
 Of Human Rights Branch Personnel

Number of Programs	9
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Speaking Engagements

<u>Number of Engagements</u>	<u>Total Audience</u>
40	1,986

Human Rights Programs

<u>Number of Programs</u>	<u>Number of Participants</u>
5	185

Human Rights Displays

<u>Number of Displays</u>	<u>Estimated Attendance</u>
3	5,200

Extended Workshops

<u>Number of Workshops/Sessions</u>	<u>Number of Participants</u>
19/94	560

LITERATURE DISTRIBUTED - 1972

<u>Title</u>	<u>Number of Copies (Figures Approx.)</u>
The Alberta Human Rights Act	465
The Alberta Human Rights Act and the Employer	2,336
The Alberta Human Rights Act and Managers of Hotels, Motels, Restaurants, Theatres and Places of Entertainment	2,028
The Alberta Human Rights Act and the Individual (English)	2,326
The Alberta Human Rights Act and the Individual (Cree)	5
The Alberta Human Rights Act and the Individual (Chinese)	3
The Alberta Human Rights Act and the Apartment Dweller	2,221
Human Concern (Quarterly Newsletter)	11,000
Human Rights Placard	66
Human Rights Display Scroll (Framed)	2
Human Rights Display Scroll (Unframed)	8
Bona Fide Occupational Qualification Guidelines	15
Newspaper Advertising Guidelines	14
A.T.A. Magazine Reprint of Human Rights Officer's Article	20
Let's Take a Look at Prejudice (Part I)	46
Let's Take a Look at Prejudice (Part II)	46
The Roots and Causes of Prejudice	46
Prejudice- A Spiritual Pestilence	46
Race, Ignorance and Discrimination	46

Discrimination, What It Does To Man	46
Royal Bank Newsletter (January 1968)	45
UNESCO - Bulletin	45
Fair Employment Laws in Canada	46
Is Your Productivity Being Undermined?	46
Human Rights In Canada	45
Let's Take a Look at Prejudice and Discrimination	46
Canadian Bill of Rights (Photocopy)	2
Universal Declaration of Human Rights	2
Bill 1 - The Alberta Bill of Rights	53
Bill 2 - The Individual's Rights Protection Act	56

NEWSLETTER

The mailing list for Human Concern, the Branch's quarterly newsletter, continued to grow. Four thousand copies of each issue are now distributed with some 80% of these going to regular subscribers. The importance with which this magazine is regarded in the Alberta community at large is underscored, we feel, by the flurry of telephone calls and letters received when it happens that we get too far behind our publishing date.

LIBRARY

The Branch library has at long last been categorized and sorted, but the cataloging process has yet to be completed. When this is done and the existence of this library is more widely publicized to educational institutions throughout this Province, we anticipate a fair amount of response to this proffered service. As it is, even with limited knowledge of its presence, there has been considerable use made of this facility by government personnel as well as persons from service agencies and the academic community. The library consists

of a number of books in the human relations field - but more important - it is the sole repository in this Province of various special and regular reports originating from human and civil rights agencies throughout North America.

STUDIES

A professed reluctance on the part of some landlords to rent to East Indians or West Indians because of the latter's supposed propensity to use curry in their cooking led to the Human Rights Branch's checking this supposition with food laboratories, home economics facilities and materials institutions across the country. The weight of expert opinion had it that the pungency of curry powder was less than that of tobacco smoke or garlic. Despite its strangeness to occidental nostrils then, its proper use was certainly no justification for apartment discrimination. Results of this survey appeared in an issue of Human Concern mailed out early in 1972.

Another "in-house" survey of some of the questions used on application for employment forms confirmed suspicions that many firms were asking questions of prospective employees which really didn't have a great deal of relevance or usefulness at the present time.

The Human Rights Branch was fortunate in obtaining the services of Sociologist, Clayton Sauve, during the late spring and early summer to conduct a study into employment of Indians and Metis. Certain of Mr. Sauve's findings appear to have upset some long standing stereotypes about Native persons as workers. Results of this study appeared in the Fall-Winter issue of Human Concern.

Reported in the same issue was the study conducted as a S.T.E.P. program into female stereotypes in elementary school textbooks. During the course of the summer, third year Education student, Linda Cullen, surveyed virtually every prescribed textbook on the curriculum list and came up with the conclusion that there was cause for deep concern with respect to female roles generally portrayed - even in some of the mathematics textbooks.

Late in the year a study got underway into problems of adjustment to Alberta society on the part of immigrants from the Indian sub-continent. It is hoped that this project will furnish data leading to the development of educational programs in turn designed to ease the way of this group of new Canadians into Alberta society.

CONFERENCES

Possibly the most significant event affecting human rights commissions and agencies across Canada this year past was the founding of the Canadian Association of Statutory Human Rights Agencies. At a meeting in Edmonton from May 23rd to 25th, twenty-one delegates from seven provinces and the Federal government established a union of governmental agencies whose purpose would be to provide an effective communications link with one another. By so doing it was felt that they might better facilitate their common task of combatting discrimination, thereby more effectively forwarding the concept of the essential dignity of all persons in this country.

Government and community involvement for this founding conference was strong as both the Premier, the Honourable Peter Lougheed, and the Minister of Manpower and Labour, Honourable Dr. Bert Hohol, addressed the delegates at the opening session and Ron Gitter, M.L.A. for Calgary Buffalo, delivered the keynote address at a banquet attended by conference delegates and representatives from Province wide ethnic, religious and social organizations. A panel of concerned citizens reacted to the topic "Commissions and the Community" the first morning while later in the day a group of Native spokesmen exchanged their concerns and viewpoints with those present. A round-table discussion on sex discrimination proved helpful to those agencies which were about to become engaged in this arena or which had recently done so.

Alberta was honoured to be able to host this signal event. The Administrator of the Alberta Human Rights Branch, Keith Henders, was elected President of the new Association.

* * *

A meeting involving the entire Edmonton staffs of the Federal Department of the Secretary of State, Citizenship Branch, and the Human Rights Branch was held in October in order to better achieve understanding of how certain of our common aims and objectives might be harmoniously accomplished.

Human Rights Officers gave up their week-end to act as group facilitators and resource persons at the Cultural Heritage Conference held in Edmonton last June. One Officer also provided input at the Poor People's Conference conducted in Olds, Alberta earlier that month.

In July of 1972 the Human Rights Administrator attended the International Association of Official Human Rights Agencies annual conference in the City of San Francisco. Earlier in the year the Administrator had the opportunity along with representatives from two other provinces to sit in for a week as an observer on the Canadian delegation to the 52nd session of the Economic and Social Council of the United Nations meeting in New York city. This program of acquainting human rights personnel from the provinces with the workings of an international body engaged in the broader aspects of human rights has been conducted for some years now by the Federal Department of External Affairs.

OUTREACH

During the latter half of 1971, the Human Rights Branch commenced a part-time operation in the Boyle Street Co-op, a multi-service "store front" type of operation in one of Edmonton's transitional areas. Although several of the contacts established through this action were undoubtedly worthwhile, the full value of this initiative has yet to be determined, and a decision as to whether or not this agency will continue to be involved in the Co-op will be reached within the next few months.

During the last week of December, Human Rights Officer, Peter Cresswell, moved to Calgary preparatory to establishing a Calgary Office - the first district office of the Branch. The Branch had long been concerned that the southern portion of the Province was not receiving the coverage it required - particularly with regard to making the Branch's educational programs available. Establishment of a Calgary Office should go a long way towards meeting an expressed need and filling a vacuum in the realm of human relations improvement.

Within the last few weeks of the year, consultations were held with the advertising managers of the Province's seven daily newspapers to prepare the way for removal of sex segregated want ads as required under The Individual's Rights Protection Act. The newspapers seemed generally receptive to these overtures but indicated that they would appreciate some guidelines to assist them through the transition period. A four page document, outlining the philosophy and practicality of this approach as well as specific data relating to want ad captions and content was mailed out shortly after these conversations. A modified version of this document is being prepared for Provincial employers.

LEGISLATION

No amendments were made to The Human Rights Act in 1972. However, the Branch acted as a resource in the designing of The Individual's Rights Protection Act - the companion legislation to the Alberta Bill of Rights and that portion of this Province's human rights legislation which has to do with interaction between citizens.

IV. C O N C L U S I O N

And now - with the submission of this report - the curtain rings down on one era of human rights work in this Province. With the repeal of The Human Rights Act the Human Rights Branch is no more - at least in the form in which once it was known. However, the next act in this drama promises to be even more eventful and fulfilling than the last. Based upon the broader human relations mandate contained in The Individual's Rights Protection Act and supported by a soon to be established Commission, the human rights movement in this jurisdiction promises to go forward with a new dynamism and purpose which will help place Alberta in the forefront of furnishing effective protection of the basic rights and liberties of a Province's citizens.

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